

Sexual Assault Sanctioning at the University of Minnesota- Twin Cities:
A Capstone for The Aurora Center

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Sheyda Esnaashari
Jamie L. Hunte
Lauren Siegel

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Terms and Definitions

Sexual Assault Policy

A university's formal statement concerning sexual assault misconduct, usually found within the student code of conduct

Procedure

A university's official course of action to investigate, hear, and assign sanctions for cases of sexual assault misconduct

Reporting Party

The victim/survivor of sexual assault misconduct

Respondent

The person accused of sexual assault misconduct

Executive Summary

Overview

In September 2013, The Aurora Center submitted a proposal for a Humphrey Capstone group to examine the University of Minnesota Twin Cities' (UMTC) standards for sexual assault sanctions and identify a process for change to implement any recommendations resulting from the study. To this end, this capstone group conducted an environmental scan of sexual assault at higher education institutions, a benchmarking study among the UMTC's peers, and interviews with internal stakeholders throughout the fall semester.

Findings

This research revealed the following:

In the broader context within higher education:

- There is heightened media attention surrounding sexual assault misconduct on College Campuses (e.g. Duke LaCrosse team, Penn State & Jerry Sandusky).
- Legislative requirements have become more rigorous for colleges and universities, including new rules and regulations pertaining to Title IX, Violence Against Women Act (2013), Campus SaVE Act and Jeanne Clery Act requirements.
- There is greater public interest and mobilization, including demonstrated interest by campus communities, the broader public, and non-university affiliated advocacy organizations (Students Active For Ending Rape – SAFER).

Among the UMTC's Big Ten peers:

- Schools have seen an increase in reporting, mostly resulting from greater education and awareness among students.
- There has been an increase in survivor-centered hearing and appeals processes.
- Some peers have moved to create a specific process for hearing sexual assault cases; all peers offer specific training in sexual assault to their hearing panels and boards.
- The sanctioning procedure is relatively congruent among peers, with little support for the use of sanctioning rubrics or mandatory minimum sanctions for sexual assault.

- Few peers are currently considering changes to their sexual assault policy and procedure, as most have already made changes in compliance with the Campus SaVE act.

Among internal UMTC stakeholders who play a role in the sexual assault investigation, hearing, and sanctioning procedure:

- There is a perception that the current UMTC sexual assault sanctioning procedure presents challenges on a variety of levels.
- There is a lack of publicly available information on the sexual assault hearing and resolution procedure.
- Sexual assault data is not clearly collected for effective analysis.
- Opinions vary regarding potential for change and are dependent on department and role in hearing and sanctioning procedures.

Conclusion

Analysis of our research findings has led us to draw conclusions about the necessity and potential for change at the University of Minnesota, Twin Cities. Our research has uncovered three important points:

- Procedure is a bigger focus than sanctions for peers and internal stakeholders.
- Research, awareness and education are needed in order to bring about further change.
- UMTC is largely in compliance with federal regulations but is presented with several opportunities to ensure the university continues to be a best-in-class institution in its efforts to respond to sexual assault incidents.

Recommendations

From these conclusions, we developed recommendations and next steps for improvement of UMTC's sexual assault misconduct policy and procedures. Our recommendations are as follows:

- **Increase survivor-centered practices** – including survivor right to appeal, and peer examples of survivor-centered procedures.

- **Increase transparency** – including access to information regarding defining sexual assault, possible ramifications of policy violation, and easy and transparent details about the investigation and hearing process.
- **Increase awareness of University response to sexual assault reports** – including maintenance of reporting records in clear, easy to understand format.
- **Research potential changes to resolution and hearing processes** – including the elimination of hearing process, creating a separate panel for sexual assault cases and the goal of agreement on sanctions during the informal resolution process.

Introduction

The topic of sexual assault on university and college campuses in the U.S. has become prevalent in public media and discourse, signaling an alarmed state and a perceived need for change. For most campuses, those looking to make serious and significant change look to student code of conduct policy and procedures for their respective universities. This report aims to evaluate the current state of student sexual assault misconduct policies and procedures at the University of Minnesota, Twin Cities (UMTC) and identify issues and avenues for change. More specifically, we have aimed to detect whether UMTC policies and subsequent sanctions adequately reflect the severity of the crime. To do so, we have conducted an environmental scan of sexual assault misconduct in higher education, benchmarked the policies and procedures at Big Ten peer institutions against our findings at UMTC, and interviewed relevant internal stakeholders. After analyzing the information collected, we formed recommendations and identified avenues for change.

Environment and Issue Context

Background research led us to three key findings regarding the current environment and issue context. Heightened media attention, increased legislative requirements and increased public concern and mobilization surround the topic of sexual assault misconduct on college campuses and the policies and procedures used to address these incidents. Further, research suggests that underreporting of these incidents is common on college campuses – leading us to believe that satisfactory policy and procedure for those cases that do get reported are of that much more importance.

College campuses nationwide are receiving heightened media attention and scrutiny surrounding reports of sexual assault misconduct. Big name, prestigious universities – Duke, Yale, Harvard – have been lambasted for their seemingly inadequate mechanisms for addressing incidences of sexual assault misconduct on campus, and a common feeling among the public that students have not received an adequate penalty – representing dissatisfaction with sanction policy.

Based on increased publicity and public unrest – both on campus and of the wider population – universities have become responsive to their constituents, with real changes in sanctioning policy and procedures coming to fruition. Take, for example, Duke University’s recent changes to its sanctioning guidelines for sexual assault. Years after national media coverage of sexual assault allegations against members of the Duke Lacrosse team, Duke’s Office of Student Conduct’s Appellate Board recently succumbed to public pressure to change its sanctioning guidelines.^{1,2} The student-led movement – headed by the Duke Student Government president – pushed for tougher sanctioning policy in collaboration with the Gender Equity Task Force.³ Representing a campus-wide impetus for change, their advocacy resulted in adoption of expulsion as the ‘preferred’ or ‘recommended’ sanction for cases of sexual assault.⁴ The change may seem minute in the larger scheme of the student conduct procedures; however, it is indicative of the increasing desire and possibility for change across college campuses.

Beyond the reports that make it to media coverage, there is a larger issue of those underreported and unpublicized cases of sexual assault that happen on college campuses with some regularity. Forensic Consultant and University of Massachusetts Associate Professor David Lisak purports that “rape is ubiquitous,” as his findings demonstrate that one in four college women is a victim of rape or attempted rape by the age of 21.⁵ Lisak’s work also finds that the greater majority of rapists do not go to jail – estimating that roughly 85% of sexual assault cases go unreported, and of the few that make it to trial, a small fraction result in some sort of prosecution.⁶ While these findings bring to bear the limited punishment of those cases that are reported in the legal system, the repercussions of underreporting and lenient disciplinary procedures are relevant for analyzing similarities and potential shortcomings of university sexual assault misconduct policies and procedures.

In addition to increased media attention, college campuses have experienced increased legislative requirements as a result the Violence Against Women Act (VAWA) reauthorization.⁷ Signed on March 7, 2013, the reauthorization included the Campus Sexual Violence Elimination Act (Campus SaVE), an attempt to address problems brought to light

by the Center for Public Integrity's investigation of campus sexual assault.^{8, 9} According to the Center for Public Integrity, a collaborative investigation with National Public Radio in 2009 found that campus judicial procedures related to sexual assault misconduct were more often than not, "confusing, shrouded in secrecy, and marked by lengthy delays."¹⁰ The Campus SaVE Act amends the Jeanne Clery Act, a reporting requirement for colleges participating in Title IX financial aid programs, giving additional rights to survivors of sexual violence on campus – including the survivor's right to appeal a decision or sanction applied.¹¹ The additional rights afforded to survivors were designed as a result of the Center for Public Integrity's findings of gaps in the college systems that failed to address this shortcoming.¹² The list of amendments to the Clery Act can be found in Appendix 1, and include provisions to increase the transparency of campus policy and reporting surrounding cases of sexual violence, dating violence, domestic violence and stalking.¹³

In order to aid in implementation of programs that support the goals of VAWA, the U.S. Department of Justice Office on Violence Against Women (OVW) administers 21 grant programs authorized by VAWA.¹⁴ Relevant to our research on campus sexual assault misconduct, OVW administers the Campus Grant program – supplying funding to colleges and universities in their endeavors to reduce sexual violence.¹⁵ The grant has been developed to "strengthen the higher education community's response to sexual assault, stalking, domestic violence and dating violence crimes on campuses."¹⁶ What's more, the grant aims to increase collaboration among campuses, law enforcement and survivor advocacy organizations.¹⁷ All institutions of higher education are eligible for this grant.¹⁸ Besides increasing the ability of college campuses to comply with federal legislation, funding can also create an incentive to promote campus safety. Moreover, the grant encourages colleges and universities to streamline their activities with other relevant stakeholders by stipulating its support of increased collaboration across college departments, local law enforcement and sexual assault survivor services.

As illustrated by the Duke University example, the potential for incremental yet substantial change regarding university sexual assault policies is feasible. To facilitate movements like this on university campuses nationwide, Students Active for Ending Rape (SAFER) has

released the *Change Happens* manual – guiding campus organizations and individuals on how to best develop change on their campus. What’s more, the manual puts forth several characteristics that are pertinent to “good” sexual assault policy.¹⁹ The list of characteristics and details on their importance can be found in Appendix 2. Student input, due process, prevention and education, are just a few of the recommended attributes of good sexual assault policy for college campuses.²⁰

Additionally, when evaluating current campus policy and procedures regarding sexual assault, SAFER has compiled a great deal of specific components that should be included in campus policies. The *Change Happens* manual provides a checklist for schools’ sexual assault policies – presenting detailed elements that fulfill the “good” sexual assault policy characteristics put forth earlier in the manual.²¹ The checklist includes numerous components nested under specific units – including prevention efforts, crisis services, definitions and disciplinary sanctions, disciplinary proceedings and several others.²² Pertinent to our research, the *Change Happens* manual provides many examples of characteristics they find necessary for proper and well-rounded disciplinary proceedings.²³ From simple suggestions like “clear and specific” disciplinary procedures to more detailed examples such as the size and capability of the hearing panel to hear multiple cases in a given time period, the information provided is extensive and arguably exhaustive.²⁴

Study Purpose

Born out of the national discussion of sexual misconduct on college campuses and subsequent punishments, we have been tasked with evaluating the effectiveness and appropriateness of current sexual assault policy and procedures at UMTC, specifically as they relate to sanctions that are assigned to those found responsible. Because of the devastating nature of incidences of sexual assault, it is imperative that universities ensure sanctions meet the severity of the violation. Additionally, because of the complex nature of these cases – as compared to other student code of conduct violations – the process for determining the appropriate sanction is highly contentious and complicated. This leaves much to be investigated and understood about the process, and has been the guiding question of our study.

Methodology

Environmental Scan and Literature Review

We began with an environmental scan and literature review. This process entailed reviewing the policies and processes of UMTC peers, including other Big Ten Universities. From this, we began to parse out similarities and differences among schools in the policies and procedures they have pertaining to student sexual misconduct. We then went on to develop questions to pose to contacts at peer institutions, derived from both information we were unable to find in our literature review, as well as clarifying questions in cases where the process or policy was not clear.

Benchmarking Interviews

Questions developed in the initial research stage were then used for benchmarking interviews. Of the 12 Big Ten universities, we were able to speak with seven of the UMTC's peers regarding sexual assault misconduct procedures on their campus.

Internal Stakeholder Identification and Interviews

Additionally, we conducted internal stakeholder interviews with representatives from relevant offices at UMTC. We identified individuals we thought play a significant role in either developing or upholding the University's sexual assault misconduct policy and procedures. These interviews gave us further insight into the process at the UMTC, as well as an understanding of stakeholder views' about current policy and procedures and opinions regarding strengths and weaknesses of the system. This allowed us not only to compare processes across schools, but also to identify channels for change and necessary conditions under which change may be possible.

Findings – Benchmarking

Process

Over a two-month period, we contacted each of the Big Ten institutions to interview representatives from the office of student conduct and the office or department that oversees the sexual assault advocacy and/or awareness program.

We spoke with eight institutions, including:

- Indiana University-Bloomington
- Michigan State University
- Northwestern University
- Pennsylvania State University
- University of Iowa
- University of Minnesota
- University of Michigan
- University of Wisconsin-Madison

We were unable to speak with:

- Ohio State University
- Purdue University
- University of Illinois
- University of Nebraska

In the interviews we asked a series of questions covering current sexual assault sanctions, the investigation and hearings procedures, recent trends in reporting and sanctioning, and potential changes under consideration. The list of interview questions is included in Appendix 3.

Summary of Benchmarking

The focus of our benchmarking study was initially on what peer institutions have done to adjust their sexual assault sanctions so that they more adequately reflect the policy violation. However, we quickly discovered that the issue of focus among peers is not the sanctions, but the investigation and hearing procedure. No peer is considering changes to its sanctions, but all peers have initiated changes to either their sexual assault policy or their hearing and resolution procedure.

Largely in response to the Campus SaVE act and Dear Colleague Letter, peers have focused on bringing their investigation and hearing practices in line with the law (Campus SaVE goes into effect March 2014). Some indicated a priority of making processes more

“survivor-centered,” or ensuring that hearing officers or panel members have specific training in sexual assault issues and cases.

Most peers mentioned a switch from the use of “clear and convincing” evidence for establishing guilt to “a preponderance of evidence” prior to the federal mandate. While this approach is controversial within broader public discussion, peers indicated that as higher education institutions, the approach appropriately reflects the civil court’s practice, rather than the criminal court, and were supportive of the switch.

Given the increase in media attention and public scrutiny mentioned earlier in this report, we raised the question of establishing mandatory minimum sanctions or a rubric for assigning sanctions as ways to add rigor to the procedure. Peers were unanimous in rejecting these as options, stating that these approaches are not appropriate given the high degree of variation in sexual assault cases. However, peers did indicate that suspension is the sanction most commonly assigned when a respondent is found guilty of sexual assault.

Below are the key findings of the benchmarking research explained in further detail, and a matrix of responses is included in Appendix 4.

Key Findings from Benchmarking Analysis

Trends in Reporting

Most peers have seen an increase in reporting, and attribute the increase to greater education and awareness among the student population. In a different vein, Michigan noted a drastic increase in reports after switching from a hearing board process to an informal resolution process, where the reporting party and the respondent have no contact.

Hearing Process/Appeals

With the Campus SaVE Act, colleges and universities have begun to make their hearing and resolution procedure more survivor-centered.

- Informal/Formal: Michigan switched from a formal hearing process to a more informal resolution process, wherein the reporting party and respondent do not

appear together throughout the process, and sanctions are suggested then agreed upon between the two parties (mediated by the Associate Director of the Office of Student Conflict Resolution).

- Evidence Threshold: Most peers interviewed have switched from a “clear and convincing” evidence threshold to the “preponderance of evidence” threshold. Several made this change years ago, but it is now a requirement of the Campus SaVE act.
- Right to Appeal: One particular way this survivor-centered approach is manifesting is through the survivors’ right to appeal a decision if they do not feel the decision or sanctions are adequate. Of the Big Ten peers interviewed, Indiana, Iowa, Michigan, Michigan State, Northwestern, and Penn State have this policy. Note that at Michigan State, survivors may appeal only if they elect to participate in the judicial hearing.

Hearing Panel/Board

In all peers interviewed, the panel or committee charged with hearing or reviewing the case receive specific training in sexual assault and/or the specific process for hearing sexual assault cases. However, the frequency and degree of training varies by institution. Also, a few institutions have created separate panels or committees to review only sexual assault cases (whereas the general student conduct hearing panel at most institutions hears all cases, including sexual assault).

- Michigan State has a separate hearing board for sexual assault cases. It is comprised of staff, faculty and students who are specifically appointed to serve on this board. Members receive annual training regarding the sexual harassment policy, the complaint procedures, and title IX obligations.
- Northwestern has a separate hearing panel and appeals system for sexual assault, and members are required to complete a 12-hour education/training program on sexual assault and sexual assault hearing and appeals system (SAHAS).
- UW-Madison conducts trainings for hearing panels on the specific issues and trauma associated with sexual assault.

Sanctions

Discussion of rubrics for assigning sanctions and establishing mandatory minimum sanctions is not without controversy. Most schools indicated these tools would not be appropriate, citing the unique circumstances and conditions of each case.

- Rubric. No school interviewed currently uses a rubric, and Michigan strongly opposes the use of a rubric.
- Mandatory Minimums. No school has established mandatory minimum sanctions. However, all schools seemed to indicate that the most common sanction for rape was suspension or expulsion.
- Approach (Educational vs. Punitive): While most schools assign both educational and punitive sanctions, the historic approach has and continues to be educational. While punitive sanctions are assigned, peers will always integrate an educational component if the respondent will be returning to campus.

Changes Under Consideration

At this point, most schools are not considering substantial changes to their policy, and the key changes to their procedures have already been made. However, a few schools are exploring the following:

- Michigan State's hearing processes are currently interim and under consideration for being made permanent.
- Northwestern University is in the process of re-writing its sexual assault policy, an effort that has been in process since 2010.
- The University of Michigan is exploring what evidence-based practices can be included in the sanctioning process.
- The University of Wisconsin-Madison is working on bringing its state's non-academic misconduct policy, known as Chapter 17, in line with the Campus SaVe act.

Other Findings

- For most peers, information regarding the sexual assault investigation and hearing process was difficult to find on university websites. Further, while definitions of sexual assault and potential sanctions were available through the student codes of

conduct, they were not found on other points of contact where students may be seeking the information.

- In the last five years, Michigan has initiated several changes in response to the Campus SaVe act.
 - Increasing the number of mandatory reporters
 - Increasing support for the respondent
 - Increasing information for faculty and staff
 - Increased comprehensive training about the Clery act and reporting.
 - Working on improving training for new staff regarding the definition of consent and bystander intervention training.

Findings - Internal Stakeholders

In order to gauge opportunity for change within the UMTC's sexual assault sanctioning procedure, we needed to understand the views, perspectives and roles of a few key stakeholders within the UMTC. By interviewing these stakeholders, we were able to gather more nuanced information about the sanctioning procedure, and we began to understand who would potentially support certain recommendations and how systemic change would occur. A summary of a few key stakeholder entities, our internal stakeholder interviews, our sanctioning policy and procedure research, and the subsequent findings are provided.

Internal Stakeholder Entities

R. E. Freeman's (1984) pivotal text on stakeholder management defines a stakeholder as "any group or individual who can affect or is affected by the achievement of the organization's objectives."²⁵ Within the context of this project, UMTC's objective was defined as UMTC's sexual assault sanctioning procedure. We began our internal stakeholder research by listing relevant stakeholders within the UMTC that we felt are affected by the current sexual assault sanctioning procedure or would be affected by any changes. This initial list is provided in Appendix 5.

A brief overview of some of the key stakeholder entities and their role within the sanctioning procedure is as follows:

- The Office of Student Affairs is the umbrella department that houses UMTC entities that deal with students and their wellbeing. Some of the divisions within the Office of Student Affairs include The Aurora Center, The Student Conflict Resolution Center, Career and Internship Services and The Office of Student Conduct and Academic Integrity.
 - The Office of Student Conduct and Academic Integrity (OSCAI) is the division that receives sexual assault reports for investigation and possible sanctions. OSCAI investigates reports and provides the informal resolution process wherein a student may receive a sanction without appearing in front of a student conduct hearing board.
- The Office of Equal Opportunity and Affirmative Action houses the Title IX representative, who is in charge of ensuring Title IX requirements are met within the UMTC. Title IX is the federal law that prohibits educational institutions from discriminating and prohibiting access to amenities based on sex. The Title IX representative must approve of all sexual assault sanctions before they are delivered to the respondent.
- The Campus Committee on Student Behavior (CCSB) is the hearing board that delivers sanctions to the respondent if the respondent requests a hearing board as opposed to an informal resolution. CCSB is made of students and faculty and the board is part of the University Senate, a decision making body within the UMTC.

Research of UMTC's Sexual Assault Sanctioning Policy and Procedure

In an effort to get information and perspectives from all levels of the procedure, we interviewed representatives from the Minnesota Student Association, CCSB, OSCAI, the Office of Equal Opportunity and the Office of Student Affairs.

Overarching themes were present among all of the sets of questions we asked our stakeholder representatives. We asked questions about their role within the sanctioning procedure and particular challenges and strengths of the current system. In order to understand the potential for change, we wanted to gain a nuanced understanding of how the system functioned under their purview and what kind of changes they may support, if any. Appendix 6 provides a position map demonstrating the stakeholder's views on a few potential recommendations.

These interviews were supplemented with our own research of the UMTC's sexual assault sanctioning policy and procedure, sourced from various UMTC official web pages.

Findings from Research of UMTC's Sanctioning Procedure and Stakeholders

After comparing the results of all of the internal stakeholder interviews and our research of the UMTC's sexual assault sanctioning policy and procedure, we were able to summarize the findings into a few key points:

The Sexual Assault Sanctioning Procedure Presents Challenges

Our first finding, the sexual assault sanctioning procedure presents challenges, was integral to our problem formulation. At first, we focused our research on UMTC's sexual assault sanctioning policy, mainly the student code of conduct. However, two internal stakeholders from different parts of the sanctioning procedure noted that the policy was rather clear, but the policy procedure presented challenges that required further analysis. Two stakeholders believe the procedure's complexity and uncertainty deters sexual assault survivors from reporting the misconduct and following through on all of the steps for sanctioning. However, another stakeholder noted that UMTC's procedure allows an opportunity for the respondent to still be approached about the incident if certain conditions are met, even if the survivor doesn't want to come forward and work through the procedure. These stakeholder accounts prompt questions about student and staff understanding and comfort with the sexual assault sanctioning procedure. Lastly, an even more prominent theme among stakeholders was the belief that survivors need the same opportunity to appeal sanctioning decisions as the respondent. The UMTC will need to provide this opportunity in

order to be in compliance with the standards of the Violence Against Women Reauthorization Act of 2013.^{26,27}

A Lack of Available Information about the Sexual Assault Sanctioning Procedure

Without the help of the interviewed stakeholders, it was challenging to piece together all of the parts and possible steps of the sexual assault sanctioning procedure. We had to use multiple websites to gather the necessary information about the basic procedure for assigning sanctions for sexual assault policy violations, which does not seem to support procedure transparency.^{28,29,30} Without transparency, a sexual assault survivor may be less likely to report a sexual assault for fear that they may not be comfortable or available to testify to all of the necessary UMTC entities. A flowchart was a helpful explanatory document at the University of Wisconsin- Madison (Appendix 7) and the University of Iowa (Appendix 8). The UMTC does not have a flow chart that depicts this process (a flow chart of UMTC's procedure was created as an example and is provided in Appendix 9).

UMTC is already in compliance with the Campus SaVE act's mandate for available information about a survivor's right to, or not, report the incident to law enforcement or University authorities.^{31,32} The other Campus SaVE mandate, however, was harder to find. Campus SaVE requires available information about a survivor's rights and institutional responsibilities for no-contact, restraining or protective orders.³³ The Aurora Center has some available information about survivor rights and various protective orders,³⁴ but much guidance from stakeholders was needed to find all of the relevant information. For an individual who does not necessarily know all of the information they are looking for, it would be even harder to find all of the necessary information.

Sexual Assault Data is Not Clearly Collected for Effective Analysis

We received OSCAI-collected data of the number of reports of sexual assault on campus. This data includes the number of "forcible rapes," "forcible fondlings," and miscellaneous sexual misconduct that does not fit into the previously defined Clery Act categories. This data includes the number and type of sanctions delivered to respondents for this kind of misconduct. The data was de-identified to reduce the chance of identifying which

respondent received which sanctions. However, the recording strategy was de-identified to such an extent that it reduced the ability to understand specifics about sanctions being commensurate with the misconduct. In addition, this report uses the term “forcible rape” in accordance with the Clery Act. Further research of other UMTC reports and information about sexual assault reveals that “forcible rape” and “rape” are used interchangeably, a potential cause for confusion.³⁵ In addition, it is difficult to draw conclusions about the type of sanctions that are often paired together. One stakeholder mentioned that education is an important part of sanctioning, and the student conduct code procedure emphasizes student development.²⁸ However, the data does not show that educational sanctions, such as attending classes before coming back from suspension, are often used for rape, and it is difficult to know if these educational sanctions are a supplement to other, possibly stricter, sanctions.

The Low Number of Reported Sexual Assaults is a Deterrent to Policy Change

Low reporting of sexual assaults was brought up in the majority of stakeholder interviews. While many of the stakeholders were unsure about the cause of low reporting, a common concern was the rationale of changing a system that serves so few students. One stakeholder questioned changing the sanctioning procedure at all, because the procedure currently affects so few students. Three stakeholders support the idea of having a separate hearing committee that only hears sexual assault misconduct cases. This board would potentially have the opportunity to better understand issues of sexual assault, since the current committee hears all student misconduct cases. However, one stakeholder predicted low support for a separate sexual assault hearing committee because of the low number of sexual assault hearings.

University Staff is Open to Recommendations for the Procedure, but Suggested No Alternatives

All of the internal stakeholders we contacted for interviews were very willing to speak with us. In addition, all of these stakeholders said they would accept recommendations for an improved sexual assault sanctioning procedure. Two of the stakeholders expressed particularly strong interest in our research and wanted to be updated about outcomes. One

stakeholder didn't express support for changes to standardized sanctions, but would be open to change within the sanctioning procedure. While there was broad support for recommendations, none of the stakeholders offered potential solutions that could be included as recommendations.

The Sanctioning Procedure Creates an Incentive for a Respondent to Appeal

Creating due process was an expressed objective of a few interviewed stakeholders. The respondent of a sexual assault report has the ability to appeal sanctioning decisions up to two times throughout the sanctioning procedure, once after the informal resolution process and once after the hearing board's (CCSB) decision (if the student gets to that point in the process).³⁶ At this point, the reporting party does not have the same opportunity to appeal the University's sanctioning decisions. One stakeholder noted that the vast majority of sexual assault sanctions from CCSB are appealed. This stakeholder believes this is the case because most sexual assault sanctions are larger (suspension or expulsion), the option to appeal is accessible, and the student has "nothing to lose" by appealing. While accessibility of appeals is essential for due process, appeals create uncertainty of what will be expected of the reporting party (i.e. whether the reporting party will have to speak to CCSB or not). The University of Michigan has implemented a goal of informal "agreement" among the University, respondent and reporting party. This agreement system reduces the number of appeals, and the school has credited this system with creating a more predictable procedure for the reporting party and an environment that promotes learning and responsibility for one's actions on the part of the respondent.

Having a Different Position within the Sanctioning Procedure will Render Different Opinions about Potential Solutions.

We strategically interviewed stakeholders from different departments and different parts of the sanctioning procedure. The perspectives and opinions of each stakeholder are shaped by their particular focus and interest in the sanctioning procedure. One example of discrepancy among stakeholders was found when discussing a sanctioning rubric to guide sexual assault sanctioning. One stakeholder supported a sanctioning rubric, because it creates consistency for sanctions and lessens the uncertainty for the survivor. However,

another stakeholder used a sanctioning rubric at another university and found it too rigid for the variety of sexual assault cases. A sanctioning rubric is no longer used at that school.

Besides the rubric, there was not agreement among stakeholders about the value of creating an additional hearing committee to hear only sexual assault cases. Two stakeholders saw the value of separate committees, because it would allow one of the committees to learn more about sexual assault issues and arguably be more aware of challenges and constraining factors that are relevant for this particular type of student misconduct. However, the stakeholder that has the greatest experience with the current hearing committee feels that the current committee suggests stricter sexual assault sanctions because they compare potential sexual assault sanctions to other misconduct sanctions and conclude that sexual assault sanctions should be greater.

Conclusion from Internal Stakeholder Analysis

The internal stakeholders who participated in these interviews demonstrated an interest in ensuring that the UMTC has the most effective sexual assault sanctioning procedure possible. These interviews shed light on a complex and multifaceted system. If the stakeholders who participated were representative of the rest of the stakeholders that helped create and sustain the system, it would seem the sexual assault sanctioning procedure was not created to confuse or deter reporting student misconduct. Instead, the system was created with the intention to promote development of the student. Despite good intentions, the sexual assault sanctioning procedure may require adjustments to promote a more navigable sanctioning procedure that adequately promotes student development.

Conclusions

This project began with the intent to explore ways the UMTC's sexual assault sanctions could more adequately reflect the severity of the policy violation. Through the literature review, benchmarking study, and internal interviews, we found that the primary issue of focus is more on the procedure for investigating and hearing sexual assault cases, rather

than changing or expanding sanctions. This focus is in large part a response to the Dear Colleague letter, VAWA, and the Campus SaVE act. Schools are focusing their efforts on ensuring transparency, accountability, education, and collaboration in their response to incidents of sexual assault.³⁷

However, as referenced in the literature review, some schools have made changes to their sexual assault sanctions. Little research has been done regarding the effectiveness of the changes made, and based on our benchmarking interviews, peers are very hesitant to adopt changes such as a mandatory minimum sanction or a rubric for determining sanctions. The common argument is that these approaches are not appropriate given the unique circumstances surrounding each sexual assault case. More research will be needed if the UMTC pursues such changes.

Internally, there is little perceived need for changes to sanctions. As the UMTC is largely in compliance with the regulations and guidelines in VAWA and Campus SaVE, there is also little sense of urgency to make changes to the procedure. However, there is more openness to an exploration of changes to the hearing process than changes to sanctions. To build the momentum needed to achieve any desired changes in sanctions or the process, further research, education, and awareness must first be done.

As that work is being done, we recommend UMTC focus on ways it can continue to be a best-in-class institution in its efforts to prevent and respond to sexual assault incidents.

Recommendations

Based on an analysis of our findings and conclusions, we have developed four distinct recommendations for the UMTC. To continue being a leader among higher education peers in the area of sexual assault policy, procedure and sanctions, the University should take these recommendations into consideration. Also, we provide next steps to begin the transition into seeing these recommendations through.

1. Increase Survivor Centered Practices

As discussed earlier in this report, recent legislation requires universities participating in Title IX financial aid programs to formally include the ability for survivors to appeal a decision made about their cases – including either the sanction or the verdict (i.e., accused found responsible or not responsible). This is currently not the case at the UMTC, and we believe this to be both urgent and pertinent to any reform process.

Additionally, we recommend that the University research other ways to make the procedure more survivor-centered. One approach may include educating survivors on what will be required of them in the reporting and potential hearing processes – such as the need to come face to face with the accused, detailing what the reporting process entails, and explaining how the process is made sensitive for the reporting party to feel most comfortable coming forward. While a survivor may receive this information from the Aurora Center, survivors who do not reach out to Aurora would not have such access to information. A website with this information may be helpful. In our benchmarking and internal stakeholder interviews, it became apparent that underreporting could potentially be related to knowledge and presence of survivor-centered practices. Thus, we feel this is an important component of potential reform efforts.

2. Increase Transparency

The student code of conduct provides a definition of what comprises sexual assault- i.e., the acts that are classified as sexual assault and thus subject to guidelines of the conduct code. However, we have found during the course of our research that these definitions are not readily available at all points of access that a student or other interested party may look to for more information regarding the defining principles. For example, consider creating a central webpage that details the UMTC's sexual assault policy, sanctions, and hearing procedure. This page could be accessed from other relevant university sites that survivors may visit to find information such as the Aurora Center site, the student code of conduct site, etc. In that same vein, we ourselves had difficulty navigating the sexual assault reporting and hearing process. Therefore, our recommendation for increased transparency relates to the ease of access and understanding that the current mode of dissemination

lacks. This information should be easier to find, and a visual aid of the sanctioning process, such as a flow chart, may be helpful in increasing transparency. Peer institutions have examples to inform future development of such an aid, and two examples can be found in Appendices 4 and 5.

3. Increase Awareness of University Response to Sexual Assault Reports

We recommend that UMTC maintain records of reports in a transparent manner for all parties – so that all those interested may easily find data related to the frequency of incidents and level of reporting, as well as the resulting verdicts and sanctions issued. In our research, we found that the university does maintain some data with similar attributes, but the format was unclear and not as informative as it could be.

Again, there are examples from peer institutions of documentation that present the relevant information in a clear and transparent manner. One peer in particular, the University of Iowa, issues an annual report of non-academic student disciplinary complaints and hearings – including the number of cases, the nature of the cases (e.g. sexual assault, stalking, alcohol violation), the result of the hearings, and the sanction(s) applied.³⁸

By increasing the transparency and legibility of reporting and relevant terminology, we believe this will also increase awareness and accountability for responding to sexual assault – within the university community as well as the greater public.

4. Research Potential Changes to Resolution and Hearing Process

Finally, we recommend the University research options for improving the resolution process. Included in this, we believe options such as eliminating the hearing process or creating a separate panel for sexual assault cases are worth consideration. Additionally, we recommend researching the benefits of establishing the goal of agreement on sanctions between OSCAI and the reporting and respondent parties in the informal resolution process, in order to reduce the number of cases going to hearing and ultimately appeal. Because there are not studies currently available that evaluate the benefit of these potential improvements, we know that this data will have to be gathered either

quantitatively in a formal research study, or qualitatively through more in-depth interviews with peer institutions.

As we have seen in our benchmarking findings, there are practices at peer institutions that we may look to in order to inform the decision to make these recommended changes. The results of increased reporting and reduced appeals are worthy goals, thus consideration of this recommendation is both logical and appropriate to the goal of improving the University's process and maintaining best practices.

Next Steps

Finally, we provide the following next steps for the University of Minnesota to begin the change process:

- **December:** Review findings and recommendations of this capstone report. Share and discuss with appropriate internal parties; determine which recommendations the University should pursue and outline a preliminary timeline.
- **Spring 2014:** Commission further research to establish the case for desired change. Such research could include: a quantitative or qualitative study of the implementation and effectiveness of mandatory minimum sanctions and sanctioning rubrics, a survey of students to better gauge the number of sexual assault incidents (including those not reported), or more extensive interviews with peers on recent changes to their resolution processes.
- **Fall 2014:** Form a cross-campus working group to initiate the process for change outlined in Appendix 10.

Process for Change

Based on our recommendations for the UMTC's sexual assault sanctioning procedure, the following describes our recommended process for change. This strategy was informed by feedback from internal stakeholders, as well as theory about mapping and instituting a process for change. The resulting process map is included in Appendix 10.

The recommendations we have offered provide a variety of change options, depending on the interest and perspective of various departments and individuals who have the capacity to promote change at the UMTC. The process map gives a general framework for instituting any of our recommended change options. In order to create this map, it was important to weigh a few foundational questions, such as³⁹

1. What is the primary need for this change process?
2. What are the existing change processes in place?
3. What type of change do stakeholders feel are a possibility? What informs these views?

After speaking with internal stakeholders at the UMTC, we established that the sexual assault sanctioning procedure needs to meet federal standards, should be navigable for sexual assault survivors and respondents, and should result in sanctions that are commensurate with the misconduct.

Our internal stakeholder interviewees also helped us to understand the nuances of the arena in which any hearing/sanctioning procedure change would take place, which is the University Senate. Stakeholder feedback about strategies and common obstacles to change within the University Senate are reflected in the provided process map.

Lastly, the interviewed stakeholders provided insight into the challenges and opportunities for potential change, based on their professional experience working with the current procedure.

After establishing some foundational assumptions about the need for change, information from our internal stakeholder interviews allowed us to identify three overarching needs for implementing our recommendations. First, the appropriate entity/entities within the University will need to be engaged/mobilized. If a change to the University rules or the student conduct code is desired, the University Senate will be the focus of engagement. If further research for change to the sanctioning process is desired, relevant University

departments and/or committees within the University Senate will need to be engaged to carry out the research.

Once the appropriate stakeholders for change are engaged, both buy-in and resources will need to be developed. Resources, such as time, are often dependent on buy-in from stakeholders. At the same time, resources, such as research reports, are often needed to create buy-in from stakeholders. Throughout this stage of change, it will be important to consistently evaluate whether more education and awareness is needed (“buy-in”) or if more time, assistance or supporting research (resources) are needed. Creating a step-by-step process with each step’s intentions and goals can help map out a specific plan. After each step, evaluate whether more resources or buy-in will help attain the next step toward implementation. Because the trajectories of change efforts are unknown to a certain extent, it is often best to map short-term, intermediate, and long-term actions and goals within the process for change.⁴⁰ The short-term actions can have more detail and intermediate and long-term actions can be clarified as the short-term actions are carried out.

The provided process map also includes barriers to be aware of when mapping actions and goals for change. These barriers have been prioritized based on feedback from internal stakeholders. Lack of education and awareness that change is needed seemed to underlie several of the other barriers to change, so this was prioritized first. For example, some stakeholders expressed uncertainty about changing a process that affects so few students. Proactively reducing grounds for this argument could reduce this barrier and would require increased education. Providing education about reporting and how schools can promote reporting of sexual assault could dispel this argument and suggest that it is the school’s duty to change a process to promote reporting. Creating accessible and easy to understand information about the need for change will reduce many of the uncovered barriers to change.

¹ CBS, N. (2006, April 19). *Duke case chronology*. Retrieved from http://www.cbsnews.com/elements/2006/04/19/in_depth_us/timeline1515358.shtml

² Stiehm, C. (2013, July 9). Duke changes sanctioning guidelines for sexual assault cases. *The Chronicle*. Retrieved from <http://www.dukechronicle.com/articles/2013/07/09/duke-changes-sanctioning-guidelines-sexual-assault-cases>

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- ³ Stiehm, 2013
- ⁴ Stiehm, 2013
- ⁵ Lisak, D. (2004). Predators: Uncomfortable truths about campus rapists. *New England Board of Higher Education*
- ⁶ Lisak, 2004
- ⁷ Clery Center for Security on Campus. (2013). *Vawa reauthorization*. Retrieved from <http://clerycenter.org/article/vawa-reauthorization>
- ⁸ Clery Center for Security on Campus, 2013
- ⁹ Lombardi, K. (2013). Campus sexual violence elimination act headed for president's signature. *Center for Public Integrity*, Retrieved from <http://www.publicintegrity.org/2013/03/01/12259/campus-sexual-violence-elimination-act-headed-presidents-signature>
- ¹⁰ Lombardi, 2013
- ¹¹ Clery Center for Security on Campus, 2013
- ¹² Lombardi, 2013
- ¹³ Clery Center for Security on Campus, 2013
- ¹⁴ United States Department of Justice. (2012, April). *Usdoj office on violence against women: Grant programs*. Retrieved from <http://www.ovw.usdoj.gov/ovwgrantprograms.htm>
- ¹⁵ United States Department of Justice, 2012
- ¹⁶ United States Department of Justice, 2012
- ¹⁷ United States Department of Justice, 2012
- ¹⁸ United States Department of Justice, 2012
- ¹⁹ Burczak, A. (2007). Change happens: Fourth edition master. *Students Active for Ending Rape*
- ²⁰ Burczak, 2007
- ²¹ Burczak, 2007
- ²² Burczak, 2007
- ²³ Burczak, 2007
- ²⁴ Burczak, 2007
- ²⁵ Freeman, R. E. (1984). *Strategic management: A stakeholder approach*. Boston: Pitman.
- ²⁶ 113th Congress of the United States. Congress, (2013). *Violence against women reauthorization*
- ²⁷ American Council on Education. (2013, April 4). *New requirements imposed by violence against women reauthorization act*. Retrieved from <http://www.acenet.edu/news-room/Documents/VAWA-Summary.pdf>
- ²⁸ University of Minnesota. (2013). *Student conduct code procedure: Twin cities*. Retrieved from http://policy.umn.edu/Policies/Education/Student/STUDENTCONDUCTCODE_PROC01.html
- ²⁹ Office for Student Conduct and Academic Integrity. (2013, June 5). *Student conduct code procedure: Twin cities*. Retrieved from University of Minnesota. (2013). *Student conduct code procedure: Twin cities*. Retrieved from http://policy.umn.edu/Policies/Education/Student/STUDENTCONDUCTCODE_PROC01.html

³⁰ Office for Student Conduct and Academic Integrity. (2011, October 24). *Student conduct code procedure: Twin cities*. Retrieved from <http://www.oscai.umn.edu/conduct/student/procedure.html>

³¹ American Council on Education, 2013

³² University of Minnesota. (2013, November 11). *Responding to incidents of sexual assault, stalking and relationship violence*. Retrieved from http://policy.umn.edu/Policies/Operations/Safety/SEXUALASSAULT_PROC01.html

³³ American Council on Education, 2013

³⁴ The Aurora Center. (2012, August 7). *Free and confidential services*. Retrieved from <http://www1.umn.edu/aurora/help/services.html>

³⁵ United States Department of Justice, 2012

³⁶ University of Minnesota, 2013, *Student Conduct Code*

³⁷ Clery Center for Security on Campus, 2013

³⁸ Office of the Dean of Students. (2011). *Seventeenth report of student discipline: Summary of non-academic student disciplinary complaints resolved by the office of the dean of students and the department of university housing & dining*. Retrieved from <http://dos.uiowa.edu/assets/2011-DOS-Annual-Report-AMENDED.pdf>

³⁹ Learning Network on Capacity Development. (2009). *How to define and map a change process*. Retrieved from <http://www.lencd.org/learning/howto-mapprocess>

⁴⁰ Learning Network on Capacity Development, 2009

Appendix 1: Requirements under Campus SaVE Act (Clery Center for Security on Campus, 2013)

Every post-secondary institution participating in Title IX financial aid programs will be required to:

- compile statistics of incidents of sexual assault, domestic violence, dating violence, and stalking that occur within Clery geography and are reported to campus security authorities
- include within its Annual Security Report a statement of policy regarding:
 - its programs to prevent domestic violence, dating violence, sexual assault, and stalking
 - the procedures that will be followed once an incident of these crimes has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from the report
 - educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and faculty, and includes:
 - a statement that the institution prohibits these offenses
 - the definition of domestic violence, dating violence, sexual assault, and stalking in its jurisdiction
 - the definition of consent in reference to sexual activity
 - safe and positive options for bystander intervention
 - information on risk reduction to recognize warning signs of abusive behavior
 - possible sanctions on protective measures the institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault or stalking
 - procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about
 - importance of preserving evidence
 - to whom the alleged offense should be reported
 - options regarding law enforcement and campus authorities, including notification of the victim's option to notify law enforcement (on-campus and local police), be assisted by campus authorities in notifying law enforcement if the victim so chooses, the option to decline to notify such authorities, and, where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court

- procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault and stalking, which shall include statements that proceedings shall
 - provide a prompt, fair, and impartial investigation and resolution
 - be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability
 - the accuser and the accused are entitled to the same opportunity to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice
 - both the accuser and the accused shall be simultaneously informed, in writing, of:
 - the outcome of the institutional disciplinary proceeding
 - the institution's procedures for the accused and the victim to appeal the results
 - any change in the results that occurs prior to the time the results become final
 - when the results become final
- information about how the institution will protect the confidentiality of victims
- written notification of students about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims on-campus and in the community
- written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the victim and such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement
- a student or employee who reports to the institution that they have been a victim of one of the aforementioned crimes shall be provided with a written explanation of the student or employee's rights and options

Appendix 2: What makes good sexual assault policy? (Burczak, 2007)

- **Student Input** – Students representing a diversity of communities should have a formalized way of communicating their concerns about a policy to administrators, and an effective, democratic means of changing the policy if it does not suit their needs.
- **Accessibility** – Policies should be easy to understand and use. Administrators should effectively publicize policies and ensure that students understand how they work. Students should be able to use services and disciplinary procedures regardless of income, disability or identity.
- **Due Process** – Disciplinary procedures should be standardized and consistently enforce. Procedures should include provisions that protect students wrongly accuse of sexual assault and measures to ensure fair treatment of those who come forward with complaints of sexual assault.
- **Fairness** – All services should be available to students regardless of sex, ethnic background or sexual orientation. All disciplinary procedures should be fair and impartial.
- **Oversight** – Policies should have formalized means of oversight. No one carrying out a policy should have absolute authority, and students should have a formalized way to ensure that policies are being carried out properly and effectively.
- **Prevention and Education** – Policies should include meaningful efforts at educating students in the dynamics of sexual assault, the effects it has on survivors, and the many factors that allow it to continue. These efforts should challenge sexism, homophobia, racism and other oppressions rather than reinforcing them.
- **Crisis Intervention** – Survivors should have crisis services available to them 24 hours a day, every day of the school year. Free emergency contraception, antibiotics and post-exposure HIV prophylaxis should be available in school health centers.
- **Long Term Counseling** – Colleges providing counseling services for students should provide survivors with access to unlimited free counseling.

Appendix 3: Benchmarking Interview Questions Questions for Peer Benchmarking Study

- 1) What is the general process for the investigation/hearing/sanctioning when a complaint/report of sexual assault is filed?
- 2) Who brings “the case” – i.e. the University? The complainant?
- 3) Does the reporting party (survivor) have the right to appeal the investigation or sanctions?
- 4) Is there a specific committee assigned to hear only sexual assault cases?
- 5) What training to hearing board/committee members receive?
- 6) What are your current sanctions for a violation of the sexual assault policy?
- 7) What is the most common sanction?
- 8) Does the institution have a mandatory minimum sanction?
- 9) Does the institution use a rubric for assigning sanctions?
- 10) What is the evidence threshold for finding an accused guilty? (Clear and convincing evidence? Or preponderance of evidence?)
- 11) Have you noticed any trends in sexual assault occurrence on your campus in the past 5 years?
- 12) What changes to the sanctions or their enforcement are you considering, if any?
- 13) What changes, if any, have been made in the last 5 years? From what impetus?
- 14) Does your campus have or plan to implement educational sanctions? E.g. mandatory rehabilitation services
- 15) Does the institution have a punitive- or education-based approach to sanctioning?
- 16) How has your school responded (if at all) or changed policy/programs in response to the Campus SaVE act or the Dear Colleague letter?
- 17) What additional changes are being considered at this point?
- 18) What challenges do you observe in the investigation/hearing processes for the University, complainant, and accused?

Appendix 4: Benchmarking Findings Matrix

School	Survivor's Right to Appeal	Informal Resolution vs. Formal Hearing Process	Who Brings the Case?	Sexual Assault-Specific Training for Hearing Board?	Separate Hearing Board for SA Cases?	Rubric for Sanctioning	Most Common Sanction	Mandatory Minimum Sanctions?	Evidence Threshold	Challenges to hearing process?	Educational vs. Punitive Approach to Sanctions	Changes Being Considered
Minnesota	In process of being adopted.	Both	University	Yes	None	None	Suspension	None	Preponderance	Character witnesses, lack of clarity of preponderance of evidence,	Educational is focus.	
Indiana	Yes, complainant may appeal if accusation is dismissed, and may appeal sanctions.	Hearing process	The reporting party	Did not respond	Did not respond	Did not respond	Suspension	Did not respond	Preponderance	Did not respond	Did not respond	Several changes were made a few years ago that brought about more rigorous sanctions (with suspension as a common minimum now).
Michigan	Yes. Complainant can object to sanctions if not adequate, or if investigative report is inconclusive.	Only informal resolutions, no hearing process.	N/a - no hearing process.	N/a - no hearing board.	No hearing board but separate board that looks at appeals.	Does not support a rubric.	For rape, expulsion and suspension. Minimum one major semester for suspension.	None	Preponderance	Does not have a hearing process.	Both, but education is the primary goal for all sanctions.	Exploring what evidence-based practices can be included in the sanctioning process.
UW-Madison	No, not through Chapter 17.	Hearing process	Depends on the sanction, but if suspension and expulsion is recommended- the University. If a lesser sanction is recommended- the respondent.	Trainings for hearing panels on the specific issues and trauma associated with SA.	No. The respondent can choose a hearing examiner or hearing committee for the case.	No	For any sexual assault, almost always suspension or expulsion. Most reports are for non-penetrating assaults, so these sanctions are not that common.	None	Preponderance	Victim has differential rights for number of times can appeal.	Punitive	Working on bringing Chapter 17 (WI-specific rules) in line with Campus SaVe act.
Northwestern	Yes	Hearing, although hearing may be delayed if all parties agree to pursue resolution through a trained facilitator or mediator. If no resolution, hearing proceeds.		Members required to complete 12-hour education/training program on sexual assault and sexual assault hearing and appeals system (SAHAS)	Yes: Sexual Assault Hearing and Appeals System (SAHAS)			None	Did not respond. SAHAS policy stated that formal rules of process, procedure, and evidence, including those applied in legal proceedings, are not used in SAHAS procedures.		Both	In process of re-writing policy since 2010.

Appendix 4: Benchmarking Findings Matrix												
School	Survivor's Right to Appeal	Informal Resolution vs. Formal Hearing Process	Who Brings the Case?	Sexual Assault-Specific Training for Hearing Board?	Separate Hearing Board for SA Cases?	Rubric for Sanctioning	Most Common Sanction	Mandatory Minimum Sanctions?	Evidence Threshold	Challenges to hearing process?	Educational vs. Punitive Approach to Sanctions	Changes Being Considered
Penn State	Yes, complainant may appeal outcome of the University Conduct Board hearing, or the sanctions assigned.	Both	The Office of Student Conduct on behalf of the university	Hearing board members receive special training on sexual assault annually, including legal definitions, consent, and ways in which victims typically present.	No, but special care is taken to make sure members understand the dynamics of sexual assault and that they are sensitive to victim concerns	Did not respond	For rape, permanent expulsion; victim's desires may impact degree of sanctions.	None	Preponderance	Did not respond	Educational is focus.	Not at this time.
Michigan State	Yes, but only if they participated as a "claimant" in the judicial hearing.	Hearing process.	The I3 Office - Office for Inclusion and Intercultural Initiatives.	Hearing board - annual training RE: MSU sexual harassment policy, complaint procedures, and IX obligations	Yes, comprised of staff, faculty and students who are specifically appointed to serve on this board.	No	If rape, dismissal from University	None	Preponderance	Some investigations take longer than the target timeframe to complete. This is due to the number of investigations, resources available and the complex nature of SA cases.	Current approach focuses on the safety and educational experience of all students above the educational or punitive nature of the sanctions imposed.	The hearing procedures are currently interim, considering whether to make them permanent
Iowa	Yes	If allegations are undisputed, the case is informally resolved. If disputed, it goes to formal hearing. If proposed sanction requires removing student from school, a formal hearing is required.	University, on behalf of reporting party.	Investigators and adjudicators have legal background and experience with sexual assault issues.	No	No	Suspension	None	Preponderance		both	Policy revised August 2013. Not considering changes to procedures.

Appendix 5: UMTC Internal Stakeholder list

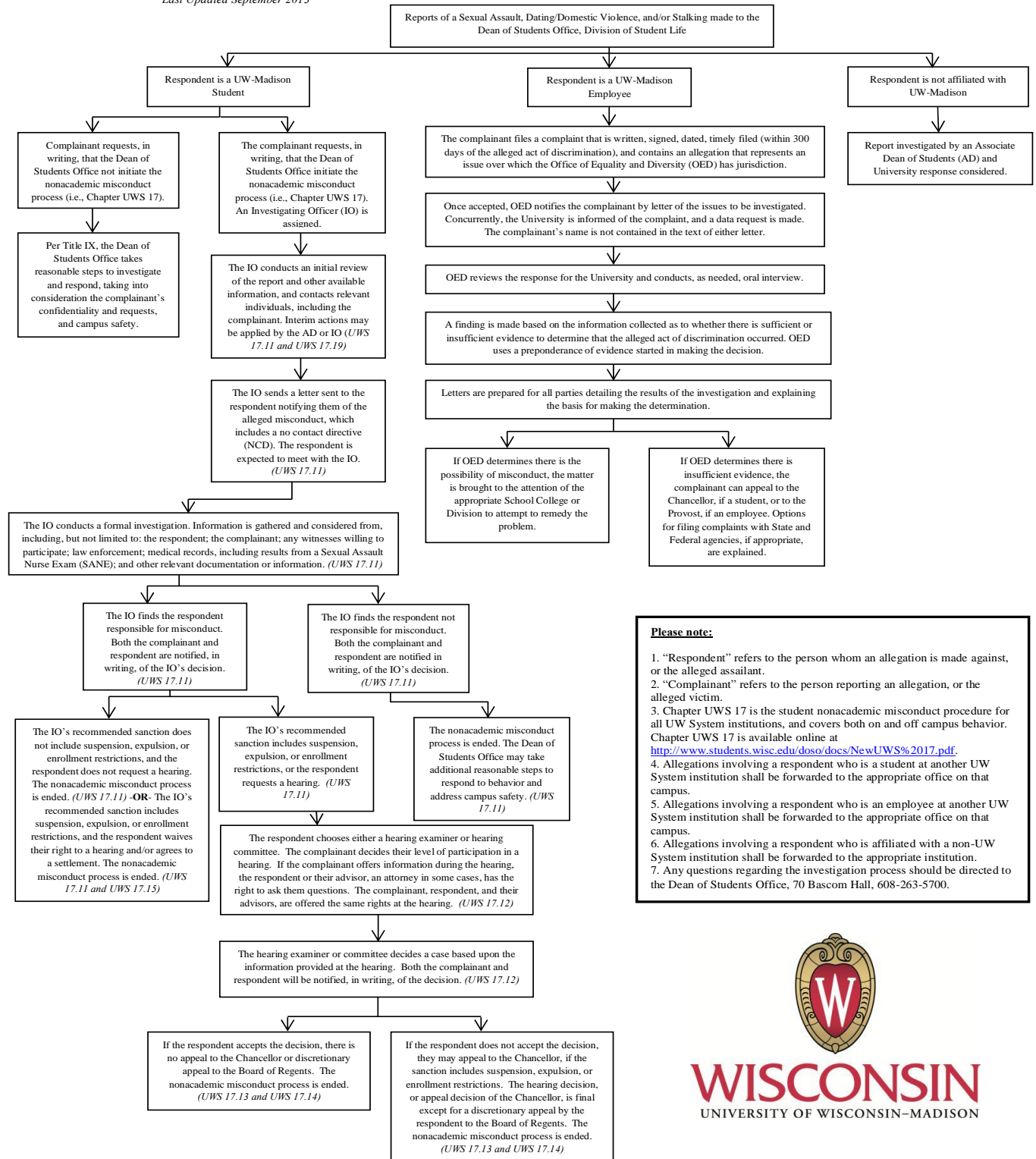
- Office for Student Conduct and Academic Integrity
- Board of Regents
- Office of Equal Opportunity and Affirmative Action
- Fraternity and Sorority Life
- Miscellaneous University Administrators
- Office of Student of Affairs
- University of Minnesota Police Department (which is within the Department of Public Safety)
- The Public Safety Emergency Communications Center
- University Counseling Center
- Boynton Health Services
- The Aurora Center
- University affiliated hospitals
- Housing and Residential Life
- Minnesota Student Association
- U of M Sexual Offender Treatment
- Women's Studies Department
- Queer Student Cultural Center
- GLBT and Ally Programs Office
- University Student Legal Services

Appendix 6: Internal Stakeholder Position Map

	Support ← High	Neutral	Opposition → High
Separate Sexual Assault Committee	Stakeholder D Stakeholder B Stakeholder F	Stakeholder A Stakeholder E	Stakeholder C
A Rubric for Sexual Assault	Stakeholder B	Stakeholder A Stakeholder C Stakeholder E	Stakeholder D Stakeholder F
Belief that the Sanctioning Policy is Challenging for the Survivor	Stakeholder E Stakeholder B Stakeholder D Stakeholder C	Stakeholder F Stakeholder A	

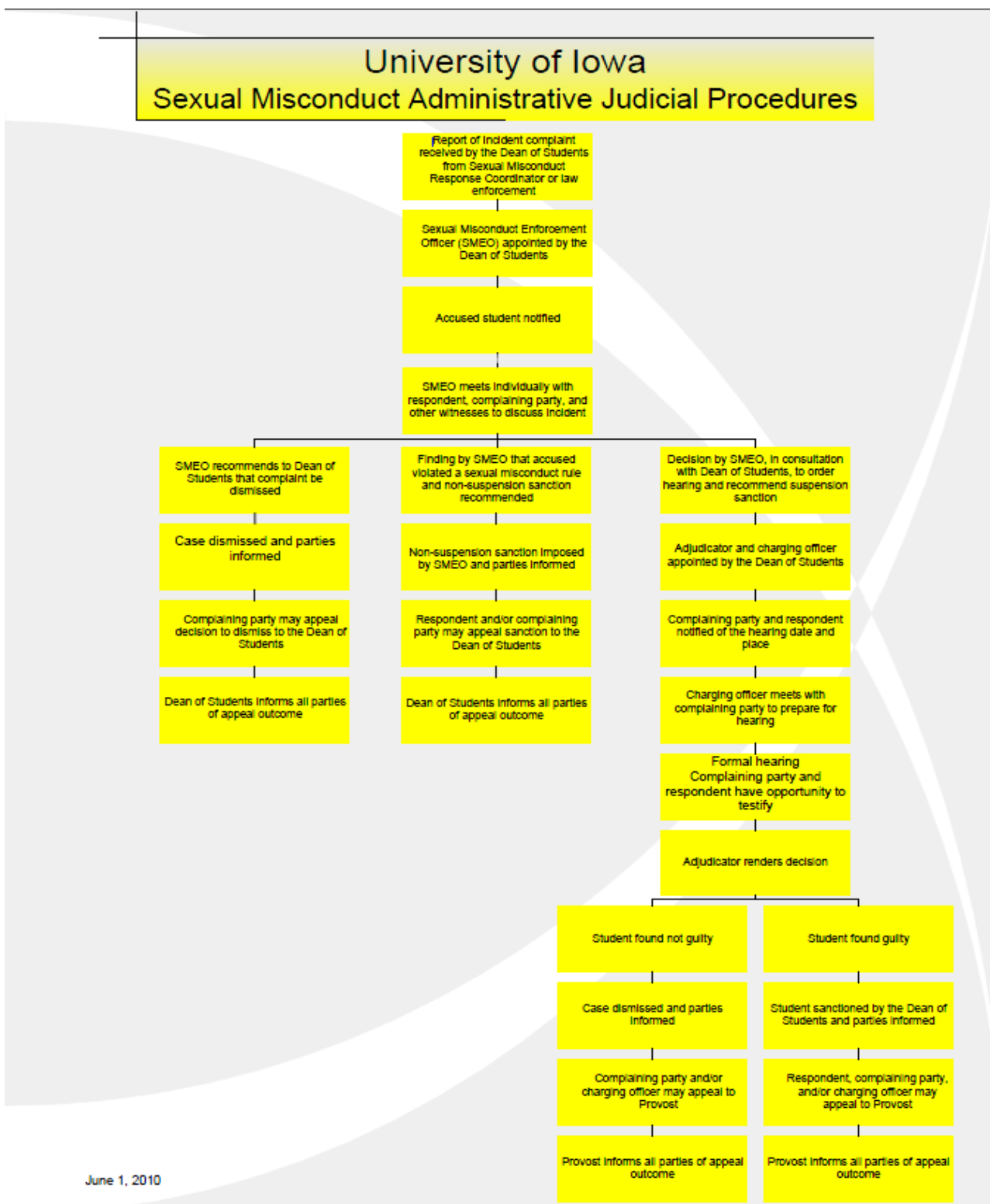
Appendix 7: University of Wisconsin-Madison flowchart

University of Wisconsin-Madison Investigation Process
Related to Sexual Assault, Dating/Domestic Violence, and Stalking Allegations
Reflects Title IX and Chapter UWS 17 of the Wisconsin Administrative Code
Last Updated September 2013



WISCONSIN
UNIVERSITY OF WISCONSIN-MADISON

Appendix 8: University of Iowa flowchart

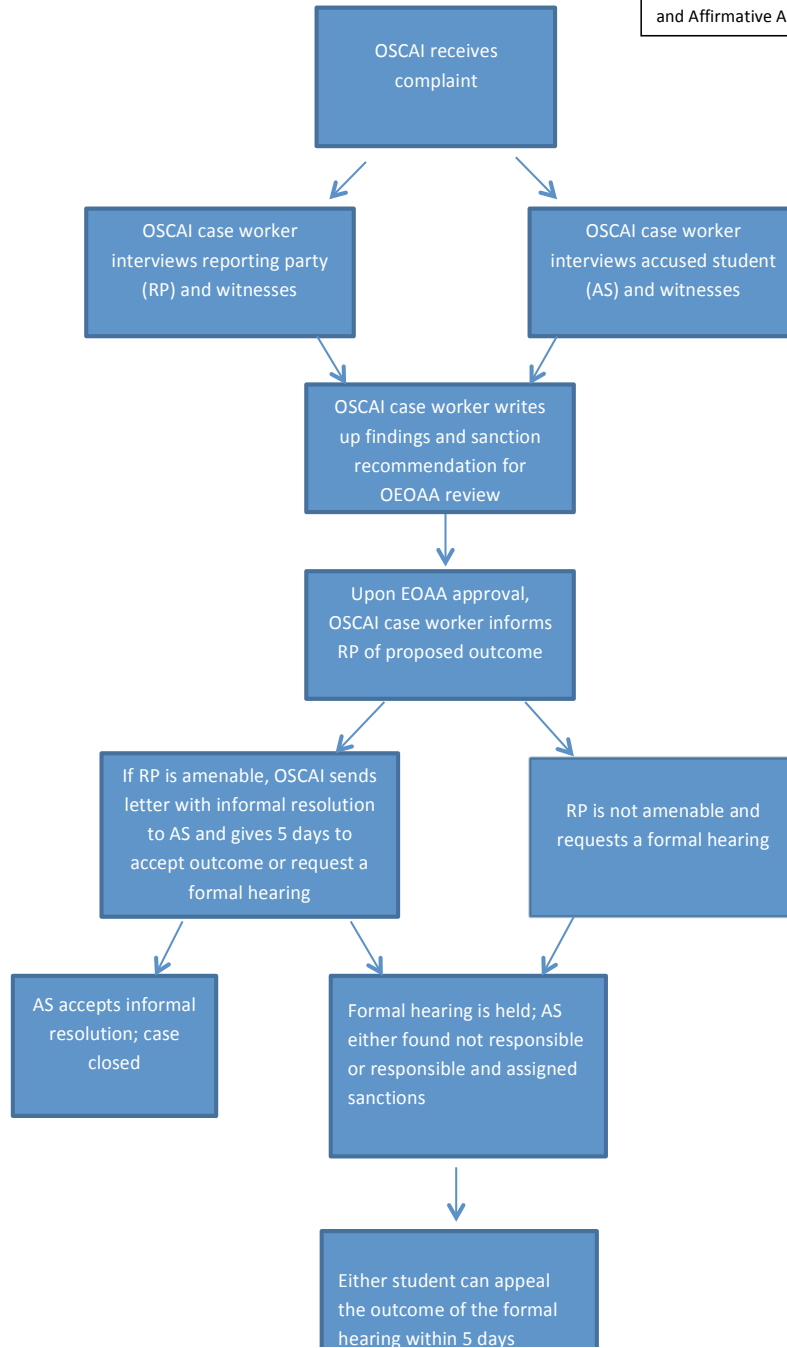


(University of Iowa, 2010) <http://dos.uiowa.edu/policy-list/archives/2010-2011-policies-and-regulations-affecting-students-archived/student-responsibilities-5/judicial-procedures-2/judicial-procedure-for-alleged-violations-of-the-code-of-student-life-6/>

Appendix 9: UMTC Example Flowchart

University of Minnesota, Twin Cities
Office for Student Conduct and Academic Integrity
Sexual Assault Disciplinary Process

OSCAI= Office for Student Conduct and Academic Integrity
RP=Reporting Party
AS= Accused Student
OEOAA= Office for Equal Opportunity and Affirmative Action



Appendix 10: Process for Change at UMTC

